

REMARKS

Restriction Requirement

Applicants hereby elect ***with traverse*** the claims of Group II (claims 2, 7, and 9), which are drawn to a method of screening a combinatorial library. For species, Applicants elect steroids. Applicants note that the Office Action states that the claims of Group II are generic (claims 2, 7, and 9) and thus all claims of Group II are readable on steroids. Applicants traverse for at least the following reasons.

The invention of Group I is directed to methods of removing compounds; and the invention of Group II is directed to screening of compounds. Therefore, the inventions of Groups I, and II are related. Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of many applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the two inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Applicants have no intention of abandoning any non-elected subject matter and expressly reserves the right to file one or more continuation and/or divisional applications directed to the non-elected subject matter.


Applicants earnestly solicits favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By: _____


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